

California Victim Compensation and Government Claims Board

Open Meeting Minutes

August 27, 2004

The California Victim Compensation and Government Claims Board convened its regular session at the call of Acting Chairperson George Valverde, Undersecretary, State and Consumer Services, acting for and in the absence of Fred Aguiar, Secretary, at the First Floor Hearing Room, 630 "K" Street, Sacramento, California, on Friday, August 27, 2004, at 10:00 a.m. Also present were Board members Windie Scott, Deputy State Controller, acting for and in the absence of Steve Westly, Controller, and Michael Ramos, San Bernardino County District Attorney.

Board staff present included Karen McGagin, Executive Officer; Judith A. Kopec, Chief Counsel; Richard Anderson, Chief Deputy Executive Officer; Luisa Parks, Deputy Executive Officer, Administration Division; Pete Williams, Deputy Executive Officer, Victim Compensation Program; Pamela Schneider, Deputy Executive Officer, Legislation; Shirley Ramudo, Chief, Audits and Investigation Branch; and Christina M. Aceituno, Manager, Government Claims Program. Sally Gill, Board Liaison, recorded the meeting.

The Board meeting commenced with the pledge of allegiance.

The Board voted to adopt the minutes of the June 25, 2004, Board Meeting.

Karen McGagin, Executive Officer, stated that the Governor's California Performance Review Report was released and each Board member received a packet of the recommendations which impact the Board.

EXECUTIVE OFFICER'S STATEMENT

Ms. McGagin reported that Board staff were participating in the National Organization for Victim Assistance Conference, (NOVA) in Sacramento from August 22 – 27, 2004. In conjunction with the NOVA Conference, the Youth and Correctional Agency presented the Board with a plaque to recognize the partnership the two agencies developed in the area of victims' services.

Ms. McGagin reported that the Franchise Tax Board (FTB) has collected 1 million dollars for the Restitution Fund through its Court-Ordered Debt Collection Program. The Board began working collaboratively with FTB and the California Department of Corrections to establish a process to collect outstanding restitution obligations from former parolees.

Finally, Ms. McGagin reported on the "Contracts Report" dated June and July 2004.

GOVERNMENT CLAIMS PROGRAM

The Board commenced the Government Claims Program portion of the meeting at 10:10 a.m.

Item 1¹The Board voted to adopt the staff recommendations on the claims listed on the Government Claims Program Consent Agenda dated August 11, 2004, with the following changes:

Item 10¹⁰**Claimant: Barbara Macko** **G536768**

The claimant requested this claim to be continued for reconsideration.

Item 230²³⁰**Claimant: Jon F. Bayh** **G545749**

Staff requested this claim to be continued for further investigation.

Total Claims	Claims Rejected	Claims Allowed in Whole or Part	Claims Allowed		Late Claims	
			Paid via Gov. Code §965	Paid via Claims Bill	Denied	Granted
775	615	141	32	109	12	7

Item 2²**CLAIMANT: Alan D. Schaller** **G530622 & G533720**

Alan Schaller, the claimant, appeared, Jan Batts, Manager, Program Policy Unit and Jan Macias, Associate Governmental Program Analyst, both appeared on behalf of the Savings Plus Program, Department of Personnel Administration, Don Ward, Staff Services Manager, appeared on behalf of the State Controller's Office, and Michael Tucker, Chief, Program Policy and Fiscal Support, appeared on behalf of the Department of Mental Health. The Board voted to continue the claim.

Item 3³**CLAIMANT: Richard W. Williams** **G535776**

The Board voted to adopt the claims examiner's recommendation to deny the late claim application.

Item 4⁴**CLAIMANT: Health Services Advisory Group** **G541332**

The Board voted to adopt the claims examiner's recommendation to partially allow the claim in the amount of \$532,598.28 pursuant to Government Code section 13928.

Item 5⁵**CLAIMANT: City of Lomita** **G542101**

The Board voted to adopt the staff recommendation to partially allow the claim in the amount of \$386,759.50 pursuant to Government Code section 965.

Item 6⁶**CLAIMANT: Dillingham & Murphy, LLP** **G540959**

Kirsten Cantrell, Staff Services Analyst, appeared on behalf of the California Department of Corrections. The Board voted to adopt the staff recommendation to allow the claim in the amount of \$64,939.40 pursuant to Government Code section 13928.

Item 7⁷Chris Aceituno, Manager, Government Claims Program, presented the "Request for Delegation of Authority under Government Code section 935.6 by the Department of the Youth Authority." The Board voted to adopt the staff recommendation to approve the request.

Item 8⁸Karen McGagin, Executive Officer, presented the "Proposed Emergency Regulations for the Government Claims Filing Fee and Surcharge." The Board voted to adopt the staff recommendation.

Item 9⁹Judith A. Kopec, Chief Counsel, presented the "Proposed Decision by a Hearing Officer for Invitation for Bid (IFB) No. 53017 by Churchfield Trading Company." Kathleen Yates, Senior Staff Counsel, appeared on behalf of the Department of General Services. The Board voted to discuss this item in closed session.

Item 10 Judith A. Kopec, Chief Counsel, presented the "Dismissal Without Further Hearing of the Protest of R-Safe Specialty Invitation for Bid No. 53118." The Board voted to adopt the staff recommendation.

Item 11 Judith A. Kopec, Chief Counsel, presented the "Dismissal Without Further Hearing of the Protest of Standard Register." Paul Dauer, attorney, appeared on behalf of Standard Register, Peter Shackman, attorney, appeared on behalf of SICPA Product Security, LLC., and Steve McGee, attorney, appeared on behalf of the Department of General Services. The Board voted to adopt the staff recommendation.

VICTIM COMPENSATION PROGRAM

The Board commenced the Victim Compensation Program portion of the meeting at 11:15 a.m.

Item A1 Karen McGagin, Executive Officer, Victim Compensation Program, presented the "Dental and Medical Treatment Rates." Pete Williams, Deputy Executive Officer, and Pat Valencia - Carlson, Analyst, Financial and Business Operations Section, Fiscal Forecasting Unit, appeared on behalf of the Victim Compensation Program. After review and discussion the Board voted to adopt the staff recommendation.

Item B1 Judith A. Kopec, Chief Counsel, presented the "Contract with Cyber-Pro Systems, Inc., dba Medial Data Exchange." After review and discussion the Board voted to authorize the Executive Officer to enter into a contract in the amount of \$476,000.00 for the following services:

- a. The review and reduction of medical and dental bills using appropriate fee schedules;
- b. The review of mental health counseling bills for compliance with service limitations, rates and legal requirements; and
- c. The audit and utilization review of bills.

REQUESTS FOR RECONSIDERATION

The Board voted to adopt the staff recommendations to allow the requests for reconsideration for agenda item numbers 2 through 18, deny the requests for reconsideration for agenda item numbers 19 through 51 and deny requests for reconsideration after Board action on a proposed decision for agenda item numbers 52 and 53.

19 CLAIMANT	582442V
20 CLAIMANT	610193V
21 CLAIMANT	645197V
22 CLAIMANT	648226V
23 CLAIMANT	653519V
24 CLAIMANT	666456V
25 CLAIMANT	666708V
26 CLAIMANT	690258V
27 CLAIMANT	692020V
28 CLAIMANT	692132V
29 CLAIMANT	714194V
30 CLAIMANT	717338V
31 CLAIMANT	735665V
32 CLAIMANT	739104V
33 CLAIMANT	747592V

34 CLAIMANT	753036V
35 CLAIMANT	758549V
36 CLAIMANT	760982V
37 CLAIMANT	764738V
38 CLAIMANT	765024V
39 CLAIMANT	765067V
40 This request was removed from the agenda.	
41 CLAIMANT	771236V
42 CLAIMANT	771518V
43 CLAIMANT	772750V
44 CLAIMANT	774475V
45 CLAIMANT	779034V
46 CLAIMANT	780538V
47 CLAIMANT	791438V
48 CLAIMANT	796894V
49 CLAIMANT	796906V
50 CLAIMANT	802205V
51 CLAIMANT	806898V
52 CLAIMANT	615922V
53 CLAIMANT	750955V

The Board voted to adopt the staff recommendations on the balance of claims for which appeals were withdrawn or deemed to be withdrawn under California Code of Regulations, Title 2, Section 647.35 and action on claims for which a hearing was denied under California Code of Regulations, Title 2, Section 647.20.1 for agenda item numbers 54 through 117.

CLOSED EXECUTIVE SESSION (GC § 11126(c)(3))

Pursuant to Government Code section 11126(c)(3), the Board adjourned into a closed Executive Session with the Board's Chief Counsel, the Executive Officer, the Chief Deputy Executive Officer, and the Deputy Executive Officer, Administration Division, at 10:30 a.m., to deliberate on the proposed decisions and IFB No. 53017 by Churchfield Trading Company that were taken under submission during the meeting.

The Board reconvened into an open session at 10:35 a.m.

The Board voted to adopt the hearing officer's proposed decision for IFB No. 53017 by Churchfield Trading Company.

PROPOSED DECISIONS

Item 118 **CLAIMANT** **497387V**

The Board voted to adopt the proposed decision.

Item 119 **CLAIMANTS** **528577V & 528572V**

The Board remanded the decision to the hearing officer for further analyses of the circumstances of the crime and the mental health evidence.

Item 120 **CLAIMANT** **563961V**

The Board voted to adopt the proposed decision.

Item 121 **CLAIMANT** **577698V**

The Board voted to adopt the proposed decision.

Item 122 **CLAIMANTS** **601533V, 601535V & 601536V**

The Board voted to adopt the proposed decision.

Item 123 **CLAIMANTS** **638887V & 638889V**

The Board voted to adopt the proposed decision.

Item 124 **CLAIMANT** **673760V**

The Board voted to adopt the proposed decision.

Item 125 **CLAIMANT** **731445V**

The Board voted to adopt the proposed decision.

Item 126 **CLAIMANT** **735307V**

The Board voted to adopt the proposed decision.

Item 127 **CLAIMANT** **746146V**

The Board voted to adopt the proposed decision.

Item 128 **CLAIMANT** **751762V**

The Board voted to adopt the proposed decision.

Item 129 **CLAIMANT** **757677V**

The Board voted to modify the decision to find that there is sufficient evidence of good cause for the late submission of the application.

Item 130 **CLAIMANT** **758738V**

The Board voted to adopt the proposed decision.

Item 131 **CLAIMANT** **766146V**

The Board voted to adopt the proposed decision.

Item 132 **CLAIMANTS** **766769V, 766785V & 766788V**

The Board voted to adopt the proposed decision.

Item 133 **CLAIMANT** **769121V**

The Board voted to adopt the proposed decision.

Item 134 **CLAIMANTS** **769764V & 769762V**

The Board voted to adopt the proposed decision.

Item 135 **CLAIMANT** **770901V**

The Board voted to adopt the proposed decision.

Item 136 **CLAIMANT** **772251V**

The Board voted to adopt the proposed decision.

Item 137 **CLAIMANT** **775185V**

The Board clarified that the denial of this application is based on the applicant's involvement in the events leading to the qualifying crime and voted to adopt the proposed decision.

Item 138 **CLAIMANT** **775382V**

The Board voted to adopt the proposed decision.

Item 139 **CLAIMANT** **776353V**

The Board voted to adopt the proposed decision.

Item 140 **CLAIMANT** **783141V**

The Board voted to adopt the proposed decision.

Item 141 **CLAIMANT** **793190V**

The Board voted to adopt the proposed decision.

Item 142 **CLAIMANT** **803296V**

The Board voted to adopt the proposed decision.

The meeting was adjourned at 10:40 a.m.

KAREN McGAGIN
Executive Officer

I certify that the California Victim Compensation and Government Claims Board adopted these minutes at its meeting of _____ at _____, California.

Date: _____ By: _____

Sally Gill
Board Liaison

(Affix seal here)